

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK WILK,

Plaintiff,

Case No. 18-cv-13141
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) GRANTING IN PART PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT (ECF No. 11), (2) DENYING DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT (ECF No. 13), AND
(3) REMANDING THIS ACTION FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Mark Wilk challenges the denial of his application for disability insurance benefits. (*See* Compl., ECF #1.) Wilk and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF Nos. 11, 13.)

On August 13, 2019, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Wilk’s motion in part, deny the Commissioner’s motion, and remand this action to the Commissioner for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g). (the “R&R”). (*See* R&R, ECF No. 18.) At the conclusion of the R&R, the

Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.796.)

The Commissioner has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the Commissioner has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Wilk's Motion for Summary Judgment in part and deny the Commissioner's Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Wilk's Motion for Summary Judgment (ECF No. 11) is **GRANTED IN PART** as set forth in the R&R, (2) the Commissioner's Motion for Summary Judgment (ECF No. 13) is **DENIED**, and (3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 12, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 12, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764